

1983 Form

FILED

In the United States District Court  
For the Northern District of Alabama

09 FEB 23 PM 3:14  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

OTM  
William McCloud 187340

CV-09-PT-0357-M

(Enter above the full name(s) of the  
plaintiff(s) in this action)

v

GARY MALONE, DAN O'DONNELL, CHARLES GUTHERY,

E. AMBROISE, B. GRIFFIN, KELVIN WYSINGER,

BRYAN CHAPMAN, M. MOSTELLAS, C. BEARDEN

(Enter above full name(s) of the  
defendant(s) in this action)

## I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes (4) No ( )
- B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

## 1. Parties to this previous lawsuit

Plaintiff(s): William McCloud

Defendant(s): CAROL O'BRIEN

## 2. Court (if Federal Court, name the district; if State Court, name the county)

NORTH DISTRICT JEFFERSON COUNTY

## 3. Docket Number 4:09-CV-00048-JEO

## 4. Name of judge to whom case was assigned Not yet notified

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Still pending

6. Approximate date of filing lawsuit January 8, 2009

7. Approximate date of disposition \_\_\_\_\_

II. Place of present confinement St. Clair Correctional Facility

A. Is there a prisoner grievance procedure in this institution?

Yes ( ) No (☒)

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ( ) No ( )

C. If your answer is YES:

1. What steps did you take? \_\_\_\_\_

2. What was the result? \_\_\_\_\_

D. If your answer is NO, explain why not? There is no inmate grievance form

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) William McCloud 187340

Address St. Clair Corr. Fac., 1000 St. Clair Rd, Springville, AL 35146

In Item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item C for the names, positions, and places of employment of any additional defendants.

B. Defendant GARY MALONE

is employed as Lieutenant

at St. Clair Corr. Fac. 1000 St. Clair Rd, Springville, AL 35146

C. Additional Defendants Dan O'Donnel as sergeant, Charles Guthery as sergeant, E. Ambrose as officer, B. Griffin as officer, Bryan Chapman as officer, M. Mostellas as officer, Kelvin W. Wyfinger as officer, and C. Bearden as officer

At, St. Clair Corr. Fac., 1000 St. Clair Rd, Springville, AL 35146

#### IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

On January 25, 2009 in the infirmary unit cell F-03 plaintiff was brutalized and maliciously beaten by several correctional officers on two separate occasions within a one hour period of time. The accusation that lead officers to the conclusion to use force came from a nurse that claimed plaintiff was urinating out of the side crack of his tray door slot into the hallway. At this time plaintiff was in a stripped suicidal cell under psychiatric evaluation. Plaintiff knew that he did not urinate thru the crack of his tray slot, neither did defendants take disciplinary action against him for urinating into the infirmary's hall, because the accusation never occurred. Supervisor Lt. Malone, Sgt. O'Donnel, and Sgt. Guthery all approached plaintiff's cell door demanding that he place his hands out the door to be handcuffed. Plaintiff feared being handcuffed by these three supervisors due to their reputation of viciously beaten inmates. When plaintiff refused to be handcuffed, all three supervisors called

for assistance to go into plaintiff's cell to physically punish him. At these three supervisors order, officers Griffin, Wysinger, Mostellas, Chapman, and Bearden were called to enter plaintiff's cell and viciously beat him. At the time of the assault on plaintiff, Sgt. O'Donnel began filming the entire episode, according to Department of Corrections policy when entering a cell to "allegedly" restore discipline. All five officers entered plaintiff's cell and severely beat him unmercifully. The entire incident was recorded on camera. Within one hour later supervisor Lt. Malone stated that the first beating was not good enough and ordered an initial second assault on plaintiff by the same tactic. The same five officers, with the addition of officer Ambrose entered plaintiff's cell again and viciously beat plaintiff a second time, which was also filmed. Medical staff attended to plaintiff for over a hour due to his injuries. Plaintiff's face was unrecognizable. Afterwards plaintiff was restrained to a bed and subjected to receiving shots, by needle, of a strong narcotic substance to keep him calm. Plaintiff remained in this position for nearly (24) twenty hours, not being fed meals, and having to defecate and urinate on himself and then lay in the foul smell of it. On January 26, 2009 warden David Wise ordered an investigation after observing plaintiff's injuries. A picture of plaintiff's face was taken by Officer Carol O'Brien. After the investigation, warden Wise concluded that the amount of force used on plaintiff was unnecessary and referred the matter to Internal Investigatives for possible criminal prosecution. Since the brutal beating of plaintiff, Lt. Malone, officer Chapman, officer Griffin and officer Wysinger has issued out promises to kill plaintiff in the very near future and claims that it will be justified. All the above named defendants have participated in the degrading act of inflicting cruel and unusual punishment in the worst way, in total violation of plaintiff's eighth amendment constitutional right.

V. RELIEF

State briefly *exactly* what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

AWARD plaintiff court cost and Attorney fees, AWARD trial by Jury, AWARD 1,000,000 (one million dollars) in compensatory damages. AWARD 1,000,000 (one million dollars) in punitive damages, AWARD 400,000 (four hundred thousand dollars) in monetary damages and immediate injunctive relief. GRANT Temporary Restraining order against officers GARY Malone, Bryan Chapman, B. Griffin, and Kelvin Wysinger

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2-19-2009  
(date)

William McCloud

Signature(s)